

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – OFFICE OF CHIEF COUNSEL
May 15, 2006**

ITEM 5

SUBJECT

IN THE MATTER OF THE PETITION OF ROBERTSON'S READY MIX, LTD.
(ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R8-2005-0091 FOR ROBERTSON'S
READY MIX), ISSUED BY THE SANTA ANA REGIONAL WATER BOARD
SWRCB/OCC FILE A-1718

LOCATION

Santa Ana

DISCUSSION

This non-precedential order would remand an administrative civil liability order to the Santa Ana Regional Water Board (Santa Ana Water Board), based on a stipulation and agreement between Robertson's Ready Mix and the Santa Ana Water Board. The parties agreed to reconsider and decrease the amount of economic savings in calculating the liability.

POLICY ISSUE

Should the State Water Board, upon request of the Santa Ana Water Board and the Discharger, remand an administrative civil liability order for re-calculation of the liability?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

**STAFF RECOMMENDATION or
ADVISE OF STAFF ACTION**

Adopt the draft order.

D R A F T

April 7, 2006

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WQ 2006-

In the Matter of the Petition of

ROBERTSON'S READY MIX

For Review of Administrative Civil Liability Order No. R8-2005-0091
Issued by the
California Regional Water Quality Control Board,
Santa Ana Region

SWRCB/OCC FILE A-1718

BY THE BOARD:

On August 26, 2005, the Santa Ana Regional Water Quality Control Board (Santa Ana Water Board) issued Administrative Civil Liability Order No. R8-2005-0091 (ACL) to Robertson's Ready Mix (Discharger). The Discharger timely filed a petition with State Water Resources Control Board (State Water Board) contesting the Economic Savings provision of the ACL.

The Santa Ana Water Board and the Discharger have entered into a Stipulation and Settlement Agreement jointly requesting that this matter be remanded to the Santa Ana Water Board for further proceedings, in order to consider evidence relating to the amount of Economic Savings used by the Santa Ana Water Board in assessing the ACL. By the terms of the Stipulation, the Santa Ana Water Board staff has agreed to present the additional evidence to the Santa Ana Water Board and to recommend the amount of the Economic Savings be reduced and that a revised ACL Order be issued.

The Discharger has agreed that if the Santa Ana Water Board adopts the revised ACL Order consistent with the Agreement, it will not contest the Santa Ana Water Board's revised ACL Order.

It appears that the interests of justice are served by such remand. This Order is not precedential.

D R A F T

April 7, 2006

ORDER

IT IS HEREBY ORDERED that the jointly requested remand is granted for further proceedings consistent with the Stipulation and Agreement between the Santa Ana Water Board and Robertson's Ready Mix.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 15, 2006.

AYE:

NO:

ABSENT:

ABSTAIN:

DRAFT

Song Her
Clerk to the Board